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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,649	06/05/2001	Steven H. McCown	2001-025-SFT	5080

7590 03/28/2005
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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,649

Applicant(s)

MCCOWN ET AL.

Examiner

Kambiz Zand

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/01/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. **Claims 1-50** have been examined.

Information Disclosure Statement PTO-1449

2. The Information Disclosure Statement submitted by applicant on 11/12/2002 has been considered. Please see attached PTO-1449.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-50** are rejected under 35 U.S.C. 102(b) as being anticipated by Fortenberry et al (6,005,939 A).

As per claims 1 and 19 Fortenberry et al (6,005,939 A) teach a computer program product in a computer-readable medium for transmitting data in a network, a method of transmitting data in a network (see fig 2a and associated text) comprising: receiving

from a client a request to transmit the data; encrypting the data; and transmitting the data to a storage device connected to the network (see fig.2b, 4 and associated text).

As per claim 13 Fortenberry et al (6,005,939 A) teach a method, operative in a storage device, of downloading data from a server: receiving from the server a request for downloading; receiving an encrypted data transmission; decrypting the encrypted data transmission to yield the data; and storing the data (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files).

As per claim 31 Fortenberry et al (6,005,939 A) teach an embedded processor program in a embedded processor-readable medium and operative in a storage device, of downloading data from a server, comprising instructions for: receiving from the server a request for downloading; receiving an encrypted data transmission; decrypting the encrypted data transmission to yield the data; and storing the data (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files).

As per claim 42 Fortenberry et al (6,005,939 A) teach a data processing system for transmitting data in a network, comprising: a bus system; a processing unit connected to the bus system, wherein the processing unit includes at least one processor; memory connected to the bus system; a network adapter in communication with the network and

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with the bus system; and a set of instructions in the memory, wherein the processing unit executes the set of instructions to perform the acts of: receiving with the network adapter and from a client a request to transmit the data; encrypting the data; and transmitting the data to a storage device connected to the network data (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files; also see col.2, lines 53-67 and col.3, lines 1-31 disclosing the hardware architecture above).

As per claim 44 Fortenberry et al (6,005,939 A) teach a storage device comprising: a bus system; an embedded processor unit connected to the bus system, wherein the embedded processor includes at least one embedded processor; memory connected to the bus system; a network adapter connected to the bus system; physical storage components in communication with the bus system; and a set of instructions in the memory, wherein the embedded processor unit executes the set of instructions to perform the acts of: receiving with the network adapter and from the server a request for downloading; receiving an encrypted data transmission; decrypting the encrypted data transmission to yield the data; and storing the data with the physical storage components (see fig.2a-b, 4 and associated text; col.6, lines 26-29 for decryption; and col.5, lines 41-54 disclose using the Internet where receiving files such as storing is downloading of the files; also see col.2, lines 53-67 and col.3, lines 1-31 disclosing the hardware architecture above).

Examiner also refers Applicant to the entire reference with respect to the independent claims where other embodiments are detailed.

As per claims 2, 14, 20 and 32 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13, 19 and 31, further comprising: negotiating encryption parameters (see abstract; fig.4 blocks 404-410 and associated text where the negotiations for encryption parameters are being done).

As per claims 3, 4, 15, 21, 22, 33 and 34 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13, 19 and 31, wherein the step of negotiating encryption parameters includes establishing an encrypted communications channel/ssl channel (see fig.4, block 404; col.9, lines 28-37).

As per claims 5, 16, 23 and 35 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13, 19 and 31, wherein the data includes at least one of audio data, video data, and digital data (see col.9, lines 15-27).

As per claims 6, 24, 36 and 45 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1,

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13, 19 and 31, wherein the storage device stores the data in a removable medium (see col.9, lines 15-20 where cd is a removable storage; col.3, lines 7-15).

As per claims 7, 17, 25, 37 and 46 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the removable medium is one of a compact disc (CD) and a digital versatile disc (DVD) (see col.3, lines 8-15).

As per claims 8, 25, 38 and 47 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the removable medium is one of a tape cartridge and a tape cassette (see col.3, lines 7-10).

As per claims 9, 17, 26, 39 and 48 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the removable medium is one of a holographic disc and a holographic cube (see col.3, lines 1-45).

As per claims 10, 18, 28, 40 and 49 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the storage device is one of a tape drive and a disk drive (see col.3, lines 10-15).

As per claims 11, 29, 41 and 50 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the storage device is a solid-state storage device (see col.3, lines 4-15).

As per claims 12, 30 and 43 Fortenberry et al (6,005,939 A) teach the method, system and a computer program product in a computer-readable medium of claims 1, 13 and 31, wherein the storage device is independent of the client (see fig.4 block 420 where the storage is independent than user storage).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Please see enclosed PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as

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(703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

03/18/05

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